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**TO BE FILED UNDER SEAL
FOR IN CAMERA REVIEW**

April 28, 2014

by email: (sullivanysdchambers@nysd.uscourts.gov)

Honorable Richard J. Sullivan
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2104
New York, New York 10007

Re: *Enzo Biochem, Inc. v. Molecular Probes, Inc.*, No. 03 Civ. 3816 (RJS)
Enzo Biochem, Inc. v. PerkinElmer, Inc., No. 03 Civ. 3817 (RJS)
Affymetrix, Inc. v. Enzo Biochem, Inc., No. 03 Civ. 8907 (RJS)
Enzo Life Sciences v. Affymetrix, Inc., No. 04 Civ. 1555 (RJS)
Roche Diagnostics GmbH v. Enzo Biochem, Inc., No. 04 Civ. 4046 (RJS)

Dear Judge Sullivan:

In accordance with Your Honor's direction at the close of the April 21, 2014 hearing on Greenberg Traurig's ("GT") Motion to Withdraw ("Hearing"), this letter is submitted jointly by counsel for GT and counsel for Enzo Biochem, Inc. ("Enzo") to apprise the Court as to the status of settlement discussions between Enzo and the defendants in the and *Affymetrix* cases.

As Your Honor is aware, the *Affymetrix* cases have been settled. See Doc. Nos. 172 and 180 in cases 03 Civ. 8907 and 04 Civ. 1555, respectively.

ENZO'S POSITION:

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The terms of the *Affymetrix* settlement were finalized, settlement papers were executed, and stipulations of dismissal were filed.

Enzo's position is that a ruling on the Motion to Withdraw should await the settlement discussions which are planned for this week. Allowing GT to withdraw after twelve years in the midst of settlement discussions with PerkinElmer and not serve the interests of resolving the case.

Enzo suggests that it and GT submit another joint letter regarding the status of settlement discussions on Monday May 12.

GT'S POSITION:

For the following reasons, GT's position is that the Motion to Withdraw should be decided forthwith.

First, GT is not involved with settlement negotiations in the matter and need not remain as counsel for Enzo for these negotiations to be completed.¹

Second, the Court's decision on the Motion to Dismiss should not await the slow pace of discussions

¹ Conversely, the *Affymetrix* settlement negotiations were conducted by GT directly with counsel for *Affymetrix*.

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No such settlement has been reached.


Since GT has no control over the pace (or substance) of discussions

Respectfully submitted,



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